

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Caste Verification --Appeal Petition from Smt.K.Vasundhara Devi, W/o. Sudhakar, Ex Sarpanch.-Graddagunta (V) Ozili (M), Nellore District - filed under Section 7 of Act 16 of 1993 against the Proceedings of the Collector, Nellore District – Elections held on 20.8.2001 - Graddagunta Gram Panchayat reserved for SC women - Appeal allowed – Orders - Issued.

SOCIAL WELFARE (C.V-1) DEPARTMENT

G.O.Ms. No. 37

Dated: 20-03-2009.

Read the following:

1. From the Collector, Nellore Dist., Proc. Rc.No. 5 (M) 1889/07, Dated. 10.10.2008.
2. Appeal Petition from Petitioner Smt.K. Vasundhara Devi, W/o. Sudhakar, Ex Sarpanch, Graddagunta Gram Panchayat, Ozili (M), Nellore Dist., dated. 05.11.08.
3. Memo. No. 10765/CV.1/2008-1, Dated 5/12/2008.
4. From the Collector, Nellore District, Rc. C5 (M) 2379/2008, Dated: 28-12-08.
5. LetterNo.10765/CV-1/08-2, Dated: 21-02-09.

ORDER:

1. In the first reference read above the District Collector, Nellore District has cancelled the Scheduled Caste Certificate and declared that she does not belongs Scheduled Caste but belongs to Backwards Class Caste.

2. In the 2nd reference read above, aggrieved by the proceedings of the District Collector, Nellore District the individual has filed an appeal petition before the appellant authority Under section 7 (2) of Act 16 of 1993 and prayed the Government may be pleased to stay on the proceedings which received by the appellant was illegal, arbitrary, against principal of natural justice and violation of provisions of Issuance of Community Certificates Act, 1993 on the following grounds:

- i. The order dt:10-10-2008 in R.C.C. 5(M)/1889/2007 impugned in this Appeal is illegal, arbitrary and unjust and in violation of the provision of A.P. (SC,ST & BC) Regulations of Issuance of Community Certificate Act 1993 and Rules framed there under.
- ii. The said order suffers from the infirmity of violating the principles of natural justice as no explanation was called for from the appellant.
- iii. The respondent erred in relying upon the attendance register wherein it is allegedly mentioned that the appellant belongs to Christian community and the respondent ought to have appreciated that no attendance register would contain the Religion or Caste of the students and the 1st respondents in the absence of any evidence in support of the said entry in the attendance register erred in admitting and relying upon the same.

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- iv. The 1st respondent also erred in relying upon the certificate alleged to have been issued for 1967 to 1974 by the authority of elementary school, Graddagunta without proof of the said certificate particularly in the light of the ascertain of the appellant that the said certificate is a bogus one.
 - v. The 1st respondent erred in relying upon the evidence of Pastor and the respondent ought to have noted that the said Pastor was also examined as PW-4 and the said evidence could not be relied upon by the Election Tribunal and therefore in the light of the Judgment of the election Tribunal, the 1st respondent ought not to have relied upon the evidence of the Pastor.
 - vi. The 1st respondent ought to have considered the case of the appellant that she is SC by caste in proper perspective.
 - vii. All other grounds will be urged at the time of main submissions.
3. The Government has stayed on the proceedings of the District Collector, Nellore and obtained parawise remarks in the reference 3rd read above. The District in his letter, in the reference 4th read above, has submitted his remarks on the grounds filed by Smt. Vasundhra Devi as follows:
- a. The Collector, Nellore District reported that Smt. Vasundhra Devi alias Vasanthamma elected as Sarpanch by defeating Smt. K.Pullamma, W/o of Pullaiah of Graddagunta Grama Panchayat elections in 2001, which was reserved for Scheduled Caste candidate. She produced fake Caste Certificate i.e. Adi Andhra (Scheduled Caste) but originally belongs to Christian (Backwards Class – C) and brought up from their childhood as Christian. Her father was a Railway employee and mentioned as Christian and marriage of the appellant was solemnized as per the Customs and traditions of Christianity on 06-06-1996 by Sri. Parimala Bengiman, Paster.
 - b. He has reported that Sri.Kalapati Pullaiah of Graddagunta (v) has filed an allegation petition before the District Collector Nellore leveled specific allegations on the caste status of Smt. Kalapati Vasundhara Devi, D/o Christenaiah, Graddagunta Village. The matter was placed before the DLSC as per A.P (SC, ST&BCs) Regulation of issue of Nativity, Community and Date of Birth Certificates Act 16-1993 for further verification and to offer findings.
 - c. The appellant was issued for VI notices with a direction to appear before the District Level Scrutiny Committee, scheduled on 28-2-08, 5-6-08, 16-6-08 and 28-6-08. The appellant has attended

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before the District Level Scrutiny Committee on the above date and on 16-6-08, she has deposed before the District Level Scrutiny Committee that her name is Vasundhara Devi, but in the village she is being called Vasanthamma.

- d. The District Level Scrutiny Committee has observed all the documentary evidences and oral evidence of the appellant and the averments made by her and other material available on record and recommend that Smt. Kalapati Vasundhara Devi, D/o. Christenaiah belongs to Christian Community but does not belong to Adi-Andhra (SC) as claimed by her.
- e. Further the Collector, Nellore reported that the appellant herself being acted that as she belongs to BC with the name of Kalapati Vasanthamma and as SC with the name of Kalapati Vasundharadevi and got the benefits both the Developmental Schemes of the Government as well as political reservation posts with an intention to grab the financial benefits and reservation facilities meant for the welfare of the Scheduled Castes, the appellant has obtained Adi-Andhra (SC) Certificate fraudulently by misrepresenting of facts to the authorities.

4. In exercise of the powers conferred u/r 9(7) of the A.P. SC,ST & BCs) Regulation of Issue of Community Certificate Rules, 1997 read with Sec 5(1) of the Act 16 of 1993 the Adi Andhra (SC) Caste Certificate bearing No.F.Dis.1256/01, dated:6-8-01 issued by the Mandal Revenue Officer, Ozili in favour of Smt. Kalapati Vasundhara Devi, D/o Christenaiah, resident of Graddagunta Village, Ozili Mandal is cancelled and a Notification has been published in the District Gazette extra-ordinary.

5. In the above circumstances the Collector reported that the appeal petition deserves no consideration and hence, the stay granted in the reference 3rd read above be vacated and the appeal petition be dismissed as the petitioner does not belong to Adi Andhra (SC) Caste.

6. The case has been taken up for personal hearing on 02-03-2009 the appellant attended before the Appellate Authority for hearing following matter had taken place during hearing.

7. The appellant present and argued that the evidences quoted in the Collector's Proceedings are examined by the Court of the Junior Civil Judge, Kota and upheld the Scheduled Caste status of the appellant vide para 33 at page 16 of its judgment dated: 28-04-2006.

8. The appeal is allowed and the Proceedings No. R.C.C5 (M) 1889/2007, dated: 10-10-2008 of the District Collector, Nellore is set aside.

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9. The records (containing c.f: 434 pages and n.f: 12 pages) received from the District Collector, Nellore District, through reference 4th read above, are returned herewith in original to him and he is requested to acknowledged receipt of the sane, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector,
Nellore District (With original records)
K.Vasundhara Devi, W/o. Sudhakar,
Ex Sarpanch, Graddagunta (V)
Ozili (M), Nellore District.
Smt. K. Pullama, W/o. Pullaiah
Graddagunta (V),
Ozili Mandal, Nellore District
Copy to:
P.S. to M (SW)
P.S. to Principal Secretary (SW)
PA to Deputy Secretary (SW)
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER